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NOTES ON CURRENT LEGISLATION

EDITED BY HORACE E. FLACK

Intoxicating Liquors. The usual volume of legislation for the control of the liquor traffic was passed in 1911 and some new experiments were authorized in three states, Alabama, Indiana and Utah, where the volume was largest.

Three states submitted the prohibition question to the people Maine, Texas and West Virginia. The first two have already voted against prohibition and the latter will vote at the next general election. Minnesota, North Dakota, Illinois and New Hampshire prohibited sales on trains and other public conveyances. South Dakota, Utah and Alabama fixed new closing hours, the first making the hours most restricted, namely, 9. p. m. to 6 a. m. South Dakota also repealed her anti-treating law which was passed in 1909. Minnesota gave right of action to any person injured in person, property or means of support against the seller; Kansas makes a second offense in liquor selling a felony; Michigan requires druggists to file cancelled prescriptions with the prosecuting attorney of the County and keep one on file; Maine repealed the Sturgis enforcement law of 1905 which provided for a state commission to enforce the liquor law; New Hampshire requires common carriers to keep names and addresses of persons in dry territory to whom liquor is shipped; Massachusetts repealed the "bar and bottle" law thus divorcing the bar from the bottle; and California enacted a local option law.

By far the most far reaching liquor legislation of the year was that of Alabama. This state had gone for prohibition but a reaction soon set in and the new laws giving local option were enacted.

The voters of each county accept one of three propositions: First, prohibition; second, dispensary; third, license. The questions submitted are whether liquor shall be sold and if it is to be sold, how shall it be done?

If the decision is in favor of license, the city or town is provided with means of administration and enforcement through an excise commission of three members to be appointed by the governor and

subject to removal by him. The commissioners must have no connection with the liquor traffic in any way and must not receive gratuities or favors of any kind.

The whole matter of licensing liquor dealers, determining their qualifications under the law, revoking licenses and enforcing the law is in the hands of the commission. Licenses may not be granted in excess of 1 to 1000 and in Birmingham 1 to 3000 population. The law goes into careful detail in prohibiting practices deemed harmful. Two provisions are of special note; the sheriff must visit all places at regular intervals for inspection and all liquors must be analyzed by the state chemist frequently.

In case the decision of a county is in favor of a dispensary there are established public dispensaries in each city or town, the number varying according to population. The dispensaries must be within corporate limits of cities or towns.

The chief manager is the purchasing agent elected by the people of the city or town. He has general charge of the purchasing end of the business. The dispenser is another official elected by the city or town who has charge of the actual sales. The management of the business subject to the council or town board is in the hands of the purchasing agent and dispenser. The profits of the business are divided, forty-five per cent going to the county, forty-five per cent to the city or town and ten per cent to the state.

Careful restrictions are made on the conduct of saloons and dispensaries. The law is written in great detail and most of the restrictive features usual in the best laws are found in it.

Indiana also legislated at length on the liquor question. The first step was the repeal of the county option law passed in 1908 and the enactment in its place of the same law making the unit the city, township and the territory of the township apart from the cities in it.

The second act was the restriction measure which was fathered by the liquor interests. This law leaves the number of licenses to be fixed by the boards of county commissioners; makes provision for granting licenses, and hearing remonstrances by the commissioners; fixes the qualifications of licensees, prohibits brewery ownership; gives power of revocation to the boards of commissioners; enables sales and transfers of licenses to be made and gives power to the councils to fix license fees and restrict the number of saloons.

The contention was made that the intent of this law was to make licenses a vested right. This was offset by the declaration that

nothing in the act should be so construed as to affect the right of control and regulation by the state.

Utah joined the local option states by a law making the units the cities and towns and the territory of counties exclusive of its cities and towns. The provisions of the law include: a search and seizure provision, prohibition of licenses outside business districts of cities and towns; no license within five miles of a city or town voting dry; prohibition of further establishment of breweries and distilleries; counties are dry until voted wet; all elections are on a definite date every two years; no sales are to be permitted within five miles of construction camps employing 25 men; no lunch, gambling, amusement or seating accommodations in saloons; druggists prescriptions must be filed with local authorities twice a year; licenses are made liable for damages caused by intoxication; shipments must be labelled and no fictitious names used; adulteration is prevented; and all license fees go to the local unit.

JOHN A. LAPP.

Juvenile Courts. By the passage of twenty-two distinct laws, fourteen states, California, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Montana, Nebraska, Nevada, New York, Utah, Washington and Wisconsin, amended their Juvenile Court laws during the sessions of 1911. The California law, the Montana law and the Missouri law were entirely re-written, the latter because of manifest ambiguity. Arkansas, Florida, (if we except the doubtful act of 1905,) and North Dakota passed new and comprehensive acts. Delaware passed a law pertaining to the city of Wilmington; Tennessee to Hamilton county, containing the city of Chattanooga, and to Knox county containing the city of Knoxville; and New York to the city of Buffalo.

The more notable amendments relate to the alteration, expansion and clarification of the definition of neglected, dependent and delinquent children. Montana proscribes the use of drugs and cigarettes;¹ Utah excludes crimes punishable by death or life imprisonment.² The age limit of children who are placed expressly under the jurisdiction of juvenile courts was appreciably raised. Original juvenile jurisdiction or concurrent jurisdiction was conferred on courts not hitherto possessing such power. Utah withdrew all juvenile court powers previously conferred on justices of the peace in precincts outside cities of the first and second classes.² The authority and

¹ Laws 1911, p. 320.

² Laws 1911, p. 77.